APPLICANT: CITY OF VIRGINIA BEACH

STAFF PLANNER: Stephen J. White

REQUESTS: Change of Zoning to B-4K Historic Kempsville Area Mixed Use District (Historic Kempsville Overlay District) for the following properties and their respective existing zoning districts:


14. B-2 Community Business (HK) to B-4K Historic Kempsville Area Mixed Use (HK). Located at 403 S Witchduck Road, near the intersection of Office Square Lane and Bonney Road (GPINs 1466795886; 1466796746).

15. B-2 Community Business (HK) to B-4K Historic Kempsville Area Mixed Use (HK). Located adjacent to the east side of S. Witchduck Rd, one parcel north of Princess Anne Road (GPIN 1466786765).

16. R-5D Residential Duplex (HK), B-2 Community Business (HK), and O-2 Office (HK) to B-4K Historic Kempsville Area Mixed Use (HK). Located on parcels adjacent to Woodway Lane, Herrick Court, Witchduck Road, Ruritan Court, and Bonney Road (GPINs 1466787969; 1466890146; 1466891132; 1466798214; 1466977163; 1466977183; 1466797097; 1466797041; 1466799663; 1466799437; 1466890385; 1466798351).

17. B-2 Community Business (HK) to B-4K Historic Kempsville Area Mixed Use (HK). Located on the north side of Princess Anne Road, between Princess Anne Road and Kempshire Lane (GPIN 1466788598).

18. B-2 Community Business (HK) to B-4K Historic Kempsville Area Mixed Use (HK). Located at 420 Woodway Lane at the corner of Woodway Lane and Kempshire Lane (GPIN 1466881952).

ELECTION DISTRICT: KEMPSVILLE

AICUZ: Less than 65 dB DNL
BACKGROUND / DETAILS OF PROPOSAL

The purpose of these requests is to change the zoning of City-owned parcels located in the Historic Kempsville (HK) Overlay District to B-4K Historic Kempsville Area Mixed-Use District (HK). These parcels were acquired over time either through voluntary sale to the City or during the right-of-way acquisition for the Kempsville Road-Witchduck Road-Princess Anne Road intersection improvements. The change of zoning to B-4K (HK) establishes the zoning category that will allow the City to market the parcels for development consistent with that envisioned by the Historic Kempsville Area Master Plan. A template for this process was established in early-2012 when the southwestern quadrant of the Kempsville Road-Witchduck Road-Princess Anne Road intersection was rezoned from R-7.5 Residential (HK), O-2 Office (HK), and B-1A Limited Community Business (HK) to B-4K Historic Kempsville Area Mixed Use (HK) for the purpose of creating a single developable parcel. A Use Permit was then granted for that parcel, allowing its development for a mixed-use project that includes up to 170 apartment units.

The B-4K District was added to the Zoning Ordinance in 2006 for the specific purpose of providing “an area that complements the adjoining residential neighborhoods through quality mixed-use development at intensities and patterns that support multiple modes of transportation, higher residential densities, including high-quality workforce housing in appropriate areas within the district, including Strategic Growth Areas, and an integrated mix of residential and nonresidential uses within the same building or on the same lot,” (Section 900, City Zoning Ordinance).

LAND USE AND COMPREHENSIVE PLAN

EXISTING LAND USES: Office; Fire and Rescue Station; and undeveloped sites

COMPREHENSIVE PLAN: Following considerable public involvement, the City Council adopted the Historic Kempsville Area Master Plan in January of 2006. This plan outlines the methods needed to implement land use, environmental, transportation and design improvements to accomplish the desired revitalization of this area. The Master Plan also provides guidance to leverage public investments to achieve multiple outcomes and create a high quality ‘village’ center.

The Master Plan establishes the following as the “Land Use Concept” for Historic Kempsville:

The plan that has been developed for the Historic Kempsville area significantly alters and reshapes the land use concept for the area, moving from the suburban pattern that has dominated the area since the post-World War II boom through the 1970s, and the subsequent decline of the area, and instead superimposes a land use concept that will strengthen the sense of community and village form in the area. The recommended land use concept suggests that a denser pattern of development, dominated by mixed uses that allow for both residential and nonresidential uses within the same building or groups of buildings, would help to reintroduce a sense of interest, pedestrian character, and excitement to the area. Mixed uses are clustered near the intersection, with buffers and less intense land uses arrayed out from the intersection and adjoining surrounding subdivision that comprise the larger community, (p.25, HK Area Master Plan).
The 2009 Comprehensive Plan designates the Historic Kempsville Area as Suburban Focus Area (SFA) 3. Suburban Focus Areas are designated places within the Suburban Area where there are “opportunities to reinforce or revitalize certain areas by providing compatible land use guidance or recommendations to improve the quality of the land use existing on certain suburban tracts. The purpose of Suburban Focus Areas is to offer guidance to advance these objectives,” (p. 3-4 and 3-5, Policy Document). The guidance for the Historic Kempsville Area SFA is provided by the Historic Kempsville Area Master Plan, adopted by City Council in January 2006, and which is further adopted by reference as a component of the Comprehensive Plan. The Historic Kempsville Area Master Plan outlines the methods needed to implement land use, environmental, transportation, and design improvements to accomplish the desired revitalization of this area. It also provides guidance to leverage public investments to achieve multiple outcomes and create a high quality ‘village’ center.

One of the ‘tools’ identified in the Master Plan for implementation of the Plan’s recommendations was the creation of a new zoning district for the designated planning area, (p. 28, HK Master Plan). Thus, concurrent with the Master Plan’s adoption on January 24, 2006, the City Council also adopted amendments to the Zoning Ordinance creating the B-4K Historic Kempsville Area Mixed-Use District and the Historic Kempsville Overlay District. Section 900 of the Zoning Ordinance specifies that proposed developments in the district “shall conform to the Comprehensive Plan's Mixed Use Development Guidelines and the Historic Kempsville Area Master Plan or, in the event of a conflict, shall conform to the Historic Kempsville Area Master Plan,” (Section 900).

IMPACT ON CITY SERVICES

CAPITAL IMPROVEMENT PROGRAM (CIP): CIP Project 2.048.000 – Princess Anne Road/Kempsville Road/Witchduck Road Intersection Improvement (First Cities Project - VDOT # 0165-134-107) is underway adjacent to the area proposed for this zoning change. The purpose of this project is to study, design, and reconstruct the Princess Anne Road/Kempsville Road/Witchduck Road intersection to raise the capacity of the intersection to meet future demands and eliminate current congestion problems. Water and sewer system relocation and upgrades are a part of the overall project, as well as a comprehensive stormwater management system. In sum, public infrastructure and services will be improved when the project is completed. As of June 3, 2013, the project was 60% complete.

EVALUATION AND RECOMMENDATION

Staff recommends approval of this Change of Zoning to B-4K Historic Kempsville Area Mixed-Use District (with Historic Kempsville Overlay) for the subject parcels, which consist of lots owned by the City of Virginia Beach within the Historic Kempsville Master Plan area. The Master Plan is a component of the 2009 Comprehensive Plan, being one of several plans for specific areas of the city that have been adopted by reference (p. D-1, Reference Handbook, Comprehensive Plan).
Several actions are recommended in the Plan to implement the vision expressed for the Historic Kempsville Area. The creation of a new zoning district for the designated planning area was the first of those strategies to be implemented, (p. 28, HK Master Plan). Concurrent with the Master Plan's adoption on January 24, 2006, the City Council also adopted amendments to the Zoning Ordinance creating the B-4K Historic Kempsville Area Mixed-Use District as well as the Historic Kempsville Overlay District. As specified in Section 900 of the Zoning Ordinance, the purpose of this zoning district is to establish "an area that complements the adjoining residential neighborhoods through quality mixed use development at intensities and patterns that support multiple modes of transportation, higher residential densities, including high-quality workforce housing in appropriate areas within the district, including Strategic Growth Areas, and an integrated mix of residential and nonresidential uses within the same building or on the same lot," (Section 900, City Zoning Ordinance).

Since the parcels subject to these requests for a Change of Zoning are under one ownership and the sites are in a condition suitable for development concurrent with the completion of the Capital Improvement Program Project, these requests for a Change of Zoning to B-4K (HK) are appropriate and consistent with the recommendations of the Comprehensive Plan, and by reference, the Historic Kempsville Area Master Plan. The requested zoning changes have been reviewed and positively received by the Historic Kempsville Citizen Advisory Committee (HK-CAC). To ensure that any proposed development is consistent with the recommendations of the Master Plan in regard to use, design, and compatibility with the surrounding area as well as the public infrastructure and services of the area, Section 900 of the Zoning Ordinance specifies that proposed developments in the district "shall conform to the Comprehensive Plan's Mixed Use Development Guidelines and the Historic Kempsville Area Master Plan or, in the event of a conflict, shall conform to the Historic Kempsville Area Master Plan," (Section 900).

Staff, therefore, concludes that changing the zoning of the subject parcels to B-4K (HK) at this time is appropriate and consistent with the recommendations of the Comprehensive Plan and the Historic Kempsville Area Master Plan. Approval is recommended.
AERIAL OF SITE LOCATION
DISCLOSURE STATEMENT

APPLICANT DISCLOSURE

If the applicant is a corporation, partnership, firm, business, or other unincorporated organization, complete the following:
1. List the applicant name followed by the names of all officers, members, trustees, partners, etc. below. (Attach list if necessary)

   Virginia Beach City Council (see attached list)

2. List all businesses that have a parent-subsidiary\(^1\) or affiliated business entity\(^2\) relationship with the applicant. (Attach list if necessary)

☐ Check here if the applicant is NOT a corporation, partnership, firm, business, or other unincorporated organization.

PROPERTY OWNER DISCLOSURE

Complete this section only if property owner is different from applicant.

If the property owner is a corporation, partnership, firm, business, or other unincorporated organization, complete the following:
1. List the property owner name followed by the names of all officers, members, trustees, partners, etc. below. (Attach list if necessary)

2. List all businesses that have a parent-subsidiary\(^1\) or affiliated business entity\(^2\) relationship with the applicant. (Attach list if necessary)

☐ Check here if the property owner is NOT a corporation, partnership, firm, business, or other unincorporated organization.

\(^1\) & \(^2\) See next page for footnote.

Does an official or employee of the City of Virginia Beach have an interest in the subject land? Yes _____ No ☑

If yes, what is the name of the official or employee and the nature of their interest?
DISCLOSURE STATEMENT

ADDITIONAL DISCLOSURES
List all known contractors or businesses that have or will provide services with respect to the requested property use, including but not limited to the providers of architectural services, real estate services, financial services, accounting services, and legal services. (Attach list if necessary)

N/A

1. "Parent-subsidiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

2. "Affiliated business entity relationship" means "a relationship, other than parent-subsidiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

CERTIFICATION: I certify that the information contained herein is true and accurate.
I understand that, upon receipt of notification (postcard) that the application has been scheduled for public hearing, I am responsible for obtaining and posting the required sign on the subject property at least 30 days prior to the scheduled public hearing according to the instructions in this package. The undersigned also consents to entry upon the subject property by employees of the Department of Planning to photograph and view the site for purposes of processing and evaluating this application.

Applicant's Signature: ___________________________ James K. Spore, City Manager
Print Name: ___________________________

Property Owner's Signature (if different than applicant): ___________________________
Print Name: ___________________________
DISCLOSURE STATEMENT